

REMARKS

I. Status of the Claims

Claims 1-105 were filed with the application. Claims 18-23, 35-60, and 71-105 have been canceled. Thus, claims 1-17, 24-34, and 61-69 are under consideration, have been examined, and stand rejected under 35 U.S.C. §102(a) and §102(e). The specific grounds for rejection of these claims, and applicants' response thereto, are set out in detail below.

II. Rejections Under 35 U.S.C. §102

The examiner has rejected claims 1-6, 24-34, and 61-69 under §102(a) and §102(e), as anticipated by Isogai *et al.* (a DNA sequence filed with NCBI on July 14, 2002 and a patent application with a priority date in Japan of November 5, 2001 filed in the U.S. on March 25, 2002). In response, applicants submit a Declaration under 37 C.F.R. §1.131 which removes these references as anticipatory matter and establishes that the inventors had conceived of the invention and reduced to practice prior to November 5, 2001. The Declaration submitted is unsigned by the inventor Akiko Arai. Ms. Arai passed away in January of 2005 as disclosed in the Declaration of David H. Poticha. Ms. Arai assigned all rights, title and interest to her invention to the University of Texas Southwestern in Dallas, TX prior to her decease. As a result of the Declaration signed by Eric Olson, reconsideration and withdrawal of the rejection is therefore respectfully requested.

III. Conclusion

In light of the foregoing, applicants respectfully submit that claims 1-17, 24-34, and 61-69 are in condition for allowance, and an early notification to this effect is earnestly solicited.

Should the examiner have any questions regarding this response, a telephone call to the undersigned attorney at (512) 536-3184 is invited.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicant

FULBRIGHT & JAWORSKI
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: April 20, 2005